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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,684	09/27/2001	Yoshinori Kano	492322002100	9009

7590

02/28/2006

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EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,684

Applicant(s)

KANO ET AL.

Examiner

Jason Prone

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 13 and 14 is/are pending in the application.
4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 13 and 14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 13 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. On line 7 of claim 14, the phrase "a plurality of heat dissipation fins" is unclear. Applicant stated that support for these fins occurs on lines 14-21 of page 6.

Reference numeral 71 denotes a heat dissipation fin (heat dissipation portion) for making the heat dissipation area larger. The heat dissipation fin 71 extrudes from the vertical portion 30 of the slide block 23, faces the rib portion 32, and forms a unitary unit with the slide block 23. The slide block 23 including the heat dissipation fin 71 is made of the material with efficient thermal conduction such as aluminum for dissipating heat from the moving member 48. The lateral length of the heat dissipation fin 71 (the lateral length viewing from the front side of the electronic component mounting instrument) is about the same length of the moving member 48.

This paragraph, as well as the rest of the specification, only supports a single fin. There is no support for a plurality of fins. Also, the Figures only show a single fin (71).

Applicant states that Figure 3A provides support for the plurality of fins by showing five heat fins. In Figure 3A, item 71 (heat dissipation fin) is pointing to a single structure resembling a rectangle missing a corner and in Figure 1, item 71 is pointing to a

Art Unit: 3724

different area of that same single rectangular-like structure leading the examiner to believe that the rectangular-like structure is the fin. Also, the statement on page 6 lines 14-21 only discloses a single fin. So together, Figures 1 and 3A with page 6 lines 14-21, clearly only disclose a single fin. Also, Figures 2 and 3B show item 71 pointing at a single structure as well. The addition, of a plurality of fins, to the claims is new matter.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over 61-239696 (Japanese Patent) in view of Hwang et al. (6,300,691). 61-239696 (Japanese Patent). In regards to claim 14, 61-239696 discloses the invention including at least one unit base capable of carrying at least one unit (15), a platen for sliding the unit base (11), a linear motor comprising at least one stationary member mounted on the platen and a moving member mounted on the unit base (13).

However, 61-239696 fails to disclose the heat dissipation fins are disposed on a sidewall of the unit base so as to be perpendicular to the sidewall and the heat dissipation fins are disposed parallel with a direction of sliding movement. Hwang et al. teaches the heat dissipation fins are disposed on a sidewall of the unit base so as to be perpendicular to the sidewall (31) and the heat dissipation fins are disposed parallel with a direction of sliding movement (31). Therefore, it would be obvious to one of ordinary

skill in the art, at the time of the invention, to have provided the linear motor of 61-239696 with heat dissipation fins, as taught by Hwang et al., to prevent the linear motor from over heating.

Response to Arguments

5. Applicant's arguments filed 10 February 2006 have been fully considered but they are not persuasive. With regard to the new matter rejection, the original specification clearly discloses the word "fin" and not "fins". The fact that the Japanese language is not strict with regards to singular and plural expressions is not relevant. The application was originally filed with the word "fin" which is a singular expression. When applicant submitted revised Figures that were accepted by the Office, the plurality of fins was not an issue. The revision was requested because the claimed subject matter at that time was not consistently shown in the Figures. During the interview on 29 January 2003, the state of the Figures were well documented as being confusing with regards to the claimed subject matter, at the time original claim 8 disclosed a single fin and it was clear to the examiner that the rectangular-like structure with a corner missing was the fin and no issue was brought about during the interview. (In Figure 1, item 71 clearly is pointing to the rectangular-like structure with a corner missing, while in Figure 3 item 71 is pointing to a different portion of the same rectangular-like structure.) If claim 8 disclosed a plurality of fins, at the time of the interview, it is assumed the examiner would have brought up a problem with the Figures not showing a plurality of fins, however that was not the case. The original specification and the confusing drawings lead one to believe the apparatus discloses only a single fin. The examiner

Art Unit: 3724

position, with regards to the new matter issue, remains. The term sidewall is defined as: A wall that forms the side of something. *(source: The American Heritage® Dictionary of the English Language, Fourth Edition Copyright © 2000 by Houghton Mifflin Company. Published by Houghton Mifflin Company. All rights reserved.)* The top wall of the moving part 22 in Hwang et al., is clearly the top side of the moving part. The top wall is clearly a wall that forms the topside of something.

Conclusion


6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

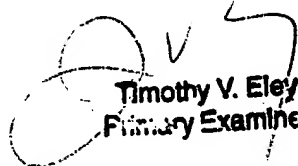
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JP
February 21, 2006


Timothy V. Eley
Primary Examiner

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